

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

NATURAL ESSENTIALS INC.)	
115 Lena Drive)	
Aurora, OH 44202)	CASE NO. 5:21-CV-00823
)	
Plaintiff)	JUDGE JOHN R. ADAMS
)	
vs.)	
)	RESPONSE TO SECOND MOTION
OLYMPIA SPORTS COMPANY, INC.)	FOR EXTENSION CONTAINED IN
281 Fields Lane)	LETTER OF MR. ROGER HEUMANN
Brewster, New York 10509)	
)	
Defendant)	

On May 11, 2021, Olympia Sports Co., Inc. (“Olympia”) had its first deadline to answer the complaint of Plaintiff Natural Essentials Inc. (“Natural Essentials”). Olympia’s counsel, based in New York, informed Plaintiff’s counsel that Olympia was working to find local counsel. Olympia’s President Roger Heumann then sent a letter to this Court seeking a six week extension, without conferring with Natural Essentials through its counsel or representatives as to a reasonable agreed extension. (Doc. 5, Letter from Roger Heumann, docketed May 12, 2021.) Plaintiff had no objection to a brief extension for Defendant to hire local counsel. (Doc. 6.) The Court granted Olympia six weeks, until June 25, 2021. (Doc. 7.)

Those six weeks passed, however, and nothing happened. Despite Natural Essentials removal to federal court in early May, Olympia has yet to file a complaint in the New York action. *See* S.D.N.Y. No. 7:21-cv-4279, Doc. 1 (proceeding removed based on two-page summons). Likewise, Olympia has not instituted the anticipated “motion practice” or broached any discussion regarding jurisdiction as noted in Mr. Heumann’s first letter to this Court. (Doc. 5.)

Today should be the parties' Rule 26(f) conference before this Court. Instead, Olympia's President's new letter docketed on June 28, 2021, three-days after the extended deadline, asks for another thirty days. Mr. Heumann claims that the parties were engaging in an "earnest attempt to reach a settlement" and, as of June 23, 2021 (last Tuesday) morning, "were working toward a resolution of both litigations." But this does not accurately describe Olympia's conduct. Invited to make contact with Natural Essentials' business representative, Mr. Heumann failed to even leave a message last week (by text, email, or voicemail).

In his new letter, Mr. Heumann asks that "my time to answer" be extended another month – ignoring the fact, as Natural Essentials pointed out in its prior filing, that the Defendant in this proceeding is not him personally, but a corporation which may not be represented in this Court except through counsel. Mr. Heumann does not explain why Olympia needs yet another month to hire Ohio counsel or say anything to suggest that Olympia used the extension previously granted to seek counsel to appear in this action.

Natural Essentials respectfully asks that Olympia be ordered to answer the Complaint by the end of this week, with default judgment as the natural consequence if it fails to do so.

Respectfully submitted,

/s/ Laura E. Kogan

Laura E. Kogan (0087453)

Yelena Boxer (0071379)

James E. von der Heydt (0090920)

BENESCH, FRIEDLANDER,

COPLAN & ARONOFF LLP

200 Public Square, Suite 2300

Cleveland, Ohio 44114-2378

Telephone: 216.363.4500

Facsimile: 216.363.4588

Emails: yboxer@beneschlaw.com

jvonderHeydt@beneschlaw.com

lkogan@beneschlaw.com

Attorneys for Plaintiff Natural Essentials Inc.

CERTIFICATE OF SERVICE

I hereby certify that on June 28, 2021, a copy of the foregoing Response was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system. I further certify that on June 28, 2021, a copy of the foregoing Response was also served by overnight mail on the following:

Olympia Sports Company, Inc.
281 Fields Lane
Brewster, New York 10509

/s/ Laura E. Kogan

Laura E. Kogan

Attorney for Plaintiff Natural Essentials Inc.